

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FEDERATED BANK,)	
)	
Plaintiff,)	CIVIL ACTION FILE
v.)	NO. 1:10-CV-02316-CAP
)	
SILVERTON BRIDGE BANK, NATIONAL ASSOCIATION,)	
)	
)	
Defendant.)	
)	

DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

COMES NOW Defendant and, pursuant to Fed. R. Civ. Proc. 12(b)(6) & (7), hereby moves to dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted and for failure to join an indispensable party. Defendant has filed a supporting Brief concurrently herewith.

WHEREFORE, Defendant Silverton Bridge Bank, N.A., prays that Plaintiff's Complaint be dismissed with prejudice with all costs cast against Plaintiff, or, in the alternative, that the present action be stayed.

This 30th day of August, 2010.

Respectfully submitted,

/s/ David L. Turner

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CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify that this filing complies with the requirements of Local Rule 5.1B (Times New Roman, 14 point) and I further certify that I have this day served a copy of the within and foregoing **MOTION TO DISMISS** by using the court's CM/ECF electronic filing system upon the following:

Bret T. Thrasher <u>bthrasher@tokn.com</u>	Aaron M. Kappler <u>akappler@tokn.com</u>
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This 30th day of August, 2010.

/s/ David L. Turner
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